2131 #5 12-10-02 gm

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U.S. Department of Commerce
Patent and Trademark Office

# TRANSMITTAL FORM

*(to be used for all correspondence during pendency of filed application)*

| | |
|---|---|
| Application Number | 09/757,872 |
| Filing Date | January 10, 2001 |
| First Named Inventor | John S. Flowers *et al.* |
| Group Art Unit Number | 2131 |
| Examiner Name | Gail O. Hayes |
| Total Number of Pages in This Submission | 8* |
| Attorney Docket Number | 23327-06893 |



## ENCLOSURES *(check all that apply)*

- ☐ Fee Transmittal Form (in duplicate)
  - ☐ Checks Enclosed:
- ☒ Return Receipt Postcard
- ☐ Response to Notice to File Missing Parts
- ☐ Assignment & Recordation Cover Sheet
- ☐ Declaration
- ☐ Power of Attorney
- ☐ Application Data Sheet
- ☒ Information Disclosure Statement & PTO/SB/08A
  - ☒ Copies of IDS Cited References (37)
- ☐ Request for Corrected Filing Receipt
- ☐ Request for Correction of Recorded Assignment
- ☐ Preliminary Amendment [ ] Page(s)
  - ☐ After Final
- ☐ Status Request
- ☐ Revocation and Substitute Power of Attorney
- ☐ Issue Fee Transmittal
- ☐ Letter to Chief Draftsperson
- ☐ Formal Drawing(s):
  - [ ] Sheet(s) of Figure(s) [ ]
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Certified Copy of Priority Document(s)
- ☐ After Allowance Communication to Group
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

**REMARKS:** * total pages submitted does not include references cited

## SIGNATURE OF ATTORNEY OR AGENT

| | | | |
|---|---|---|---|
| Signature: | | | |
| Attorney/Reg. No.: | Brian M. Hoffman, Reg. No. 39,713 | Dated: | November 26, 2002 |

## CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, DC 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

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| Express Mail Mailing Number *(optional)*: | | | |

[1] *Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby*

**IN THE**
**UNITED STATES PATENT AND TRADEMARK OFFICE**

| | |
|---|---|
| APPLICANTS: | John S. Flowers *et al.* |
| APPLICATION NO.: | 09/757,872 |
| FILING DATE: | January 10, 2001 |
| TITLE: | QUERY-BASED RULES FOR USE IN NETWORK SECURITY SYSTEMS |
| EXAMINER: | Gail O. Hayes |
| GROUP ART UNIT: | 2131 |
| ATTY. DKT. NO.: | 23327-06893 |

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Dated: November 26, 2002 By: _____
Brian M. Hoffman, Reg. No. 39,713

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COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

**INFORMATION DISCLOSURE STATEMENT**
**Under 37 CFR §§ 1.56 and 1.97-98**

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

☒ within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;

☐ before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;

☐ after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR §1.113; or (2) an action that otherwise closes prosecution in the application, and:

- ☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR.§ 1.97(c); OR
- ☐ Applicant certifies pursuant to 37 CFR § 1.97(e) that:
  - ☐ each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

☐ on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:

- ☐ Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
  - ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
  - ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this

certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND

☐ attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR.§ 1.97(c); OR

☐ after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.

☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. [APPLICATION NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

☒ Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,

JOHN S. FLOWERS *et al.*

Dated: November 26, 2002

By: _____

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

| Complete if Known | |
|---|---|
| Application Number | 09/757,872 |
| Filing Date | January 10, 2001 |
| First Named Inventor | John S. Flowers *et al.* |
| Art Unit | 2131 |
| Examiner Name | Gail O. Hayes |
| Attorney Docket Number | 23327-06893 |

Sheet 1 of 3



## U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Document No. Number – Kind Code[2] (if known) | Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|---|---|---|---|---|
| | A1 | US- 5,278,901 | 01-11-1994 | Shieh et al |
| | A2 | US- 5,796,942 | 08-18-1998 | Esbensen |
| | A3 | US- 5,798,706 | 08-25-1998 | Kraemer et al. |
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| | A5 | US- 5,931,946 | 08-03-1999 | Terada et al. |
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| | A22 | US- 6,408,391 B1 | 06-18-2002 | Huff et al. |
| | A23 | US- 2002/0133721 A1 | 09-19-2002 | Adjaoute |

## FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No.[1] | Foreign Patent Document Country Code[3] – Number[4] Kind Code[5] (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | T[6] |
|---|---|---|---|---|---|
| | B1 | WO 01/31420 A2 | 05-03-2001 | Visa International Service Association | |
| | B2 | WO 02/45380 A2 | 06-06-2002 | Lancope, Inc. | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Name | Gail O. Hayes |
| Attorney Docket Number | 23327-06893 |

Sheet 2 of 3



| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS | | | |
|---|---|---|---|
| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[6] |
| | C1 | Abstract, W. Erhard, et al., "Network Traffic Analysis and Security Monitoring With UniMon", Proceeding of the IEEE Conference on High Performance Switching and Routing, 2000, ATM 2000, pp 439 – 46 (June 2000). | |
| | C2 | Abstract, Dept. of Comput. Sci., California Univ., Davis, CA, USA, "A Methodology For Testing Intrusion Detection Systems", IEEE Transactions on Software Engineering, Vol. 22, Issue 10, pp 719-29 (October 1996). | |
| | C3 | Abstract, Mounji A. Le Charlier, et al., "Distributed Audit Trail Analysis", Proceeding of the Symposium on Network and Distributed System Security, 1995, pp 102 – 12 (Feb 16 – 17, 1995). | |
| | C4 | Abstract, L.T. Heberlein, et al., "A Network Security Monitor" Proceeding of the 990 IEEE Computer Society Symposium on Research in Security and Privacy, pp 296-04, (May 7 –9, 1990). | |
| | C5 | Abstract, Xinzhou Quin et al., "Integrating Intrusion Detection and Network Management", Network Operation and Management Symposium, 2002. NAOMS 2002. 2002 IEEE/IFIP, pp 329 – 44 (April 15 – 19, 2002). | |
| | C6 | Abstract, D.G. Schwartz et al., "A Case-Based Approach To Network Intrusion Detection", Proceeding of the 5th International Conference on Information Fusion, 2002. Vol. 2 pp 1084 – 89 (July 8 – 11, 2002). | |
| | C7 | Abstract, "Open Source Security: Opportunity or Oxymoron?" Computer, Vol. 35, Issue 3, pp 18 – 21 (March 2002). | |
| | C8 | Abstract, Liu Dihua, et al. "Data Mining For Intrusion Detection", Proceedings ICII 2001 – Beijing 2001 International Conference on Info-Tech and Info-Net, 2001, Vol. 5, pp 7 – 12, (October 29 – November 2001). | |
| | C9 | Abstract, Kai Hwang & M. Gangadharan, "Micro-Firewalls for Dynamic Network Security With Distributed Intrusion Detection", NCA 2001 IEEE International Symposium on Network Computing and Applications, 2001. pp 68 – 79, (October 8 – 10, 2001). | |
| | C10 | Abstract, Wenke Lee Stolfo, et al., "Real Time Data Mining-Based Intrusion Detection", Proceedings DARPA Information Survivability Conference & Exposition II, 2001, DISCEX '01. Vol. 1, pp 89 – 100 (June 12 – 14, 2001). | |

| Examiner Signature | | Date Considered | |
|---|---|---|---|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3]Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4]For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Name | Gail O. Hayes |
| Attorney Docket Number | 23327-06893 |

Sheet 3 of 3



| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS | | | |
|---|---|---|---|
| Examiner Initials* | Cite No.[1] | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T[6] |
| | C11 | Abstract, J. Burns, et al. "Automatic Management Of Network Security Policy, Proceedings DARPA Information Survivablity Conference & Exposition II 2001, DISCEX '01. Vol. 2, pp 12 – 26, (June 12 – 14, 2001) | |
| | C12 | Abstract, Heberlein, et al. "A Network Security Monitor", 1990, Proceedings Research in Security & Privacy 1990 IEEE Computer Society Symposium on, pp 296 – 304, (May 7 – 9, 1990). | |
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